



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,232	05/21/2001	Greg Arnold	PALM-3649:US.P	9948

7590 10/19/2005

WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,232

Applicant(s)

ARNOLD, GREG

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responding to amendment on 7/25/2005, filed 5/21/2001.
2. Claims 1 - 24 are pending. Independent Claims are 1, 12 and 21.

Response to Arguments

3. Applicant's arguments filed 7/25/2005 have been fully considered but they are not persuasive.

- 3.1 Applicant argues that the referenced prior art does not disclose: “ ... *an account reserved for a second handheld device* ... “. (Remarks Page 2, Lines 12-13) The Multer prior art discloses accounting information that is linked to a user and designated (i.e. reserved) for a particular device. This is analogous to the invention's reserved for a (i.e. first, second, etc) handheld device. (see Multer col. 42, lines 7-16: handheld device, specific device information linked to accounting information)
- 3.2 Applicant argues that the referenced prior art does not disclose: “ ... *account modified to identify an information that resides on said remote server but not on said second handheld device* ... “. (see Remarks Page 3, Lines 4-6) The Multer prior art discloses information residing on the server and not on the handheld device. One-to-one communication (i.e. first establish a direct connection) is not required to process the information. (see Multer col. 42, lines 7-11; col. 6, lines

Art Unit: 2143

4-12; col. 44, lines 48-54: account, linked to information residing on server and not residing on handheld device, one-to-one connection not required for access to information)

3.3 Applicant argues that the referenced prior art does not disclose: “... *said remote server automatically determining, from said account, that said information is new to said second handheld device and in response thereto for automatically downloading said information to said second handheld device ...*”. (see

Remarks Page 3, Lines 19-22) The Multer prior art discloses information that is new to (i.e. first, second, and etc.) handheld device. Information is on remote server and not in handheld device (i.e. new) and can be downloaded at a later time period. (see Multer col. 6, lines 4-12; col. 44, lines 48-54: information resides on server, information downloaded)

3.4 Applicant argues that the referenced prior art does not disclose: “... *said first handheld device sending said remote server a token identifying said information and said second handheld and wherein said token causes said account to be modified by said remoter server ...*”. (see Remarks Page 4, Lines 12-15) A token is defined as an entity to identify information. The Multer prior art discloses a data package, which is utilized to identify information. (see Multer col. 10, lines 26-31: data package, change information) The data package is analogous to the invention token.

3.5 Applicant argues that the referenced prior art does not disclose: “... *wherein said information is a version of an application program ...*”. (see Remarks Page 5,

Lines 4-5) The Multer prior art discloses the processing of application programs and the capability to match (i.e. synchronize) applications between systems (i.e. handheld devices). (see Multer col. 15, lines 10-11; col. 15, lines 27-30: application information processed) Therefore, the rejection of claims 1-24 is proper and maintained herein.

Claim Rejections - 35 USC § 102

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 - 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al. (US Patent No. 6,757,696, filed 1/2/2001).

Art Unit: 2143

Regarding Claim 1, Multer discloses a method of transferring information comprising the steps of:

- a) a first handheld device (see col. 4, lines 27-34: handheld device utilized) causing an account (see col. 32, lines 53-55: account information) to be accessed that is stored on a remote server, said account reserved for a second handheld device and describing a complement of information stored in said second handheld device; (see col. 34, lines 16-19; col. 31, lines 58-62; col. 16, lines 50-50: user accounting information for each user stored on)
- b) said account modified to identify an information that resides on said remote server but not on said second handheld device; (see col. 17, lines 15-20; col. 32, lines 14-17: user accounting information for particular user updated and stored on server)
- c) said second handheld device establishing a connection with said remote server; (see col. 5, lines 10-17; col. 6, lines 16-20: handheld device communications between server and handheld device through connection) and
- d) said remote server automatically determining, from said account, that said information is new to said second handheld device and in response thereto for automatically downloading said information to said second handheld device. (see col. 34, lines 23-29: user information updated (i.e. new information))

Regarding Claim 2, Multer discloses a method as described in Claim 1 further comprising the step of said first handheld sending said remote server a token identifying

said information and said second handheld and wherein said token causes said account to be modified by said remote server. (see col. 37, lines 62-65: data pack (i.e. token) used for information transfer utilized for update)

Regarding Claims 3, 14, Multer discloses a method as described in Claims 1, 12 wherein said first and said second or said sender and said receiver handheld devices are handheld computer systems. (see col. 4, lines 27-36: two devices (i.e. handheld devices) in communication)

Regarding Claims 4, 15, 23, Multer discloses a method as described in Claims 1, 12, 21 wherein said information is a version of an application program. (see col. 12, lines 10-12; col. 12, lines 16-20; col. 13, lines 3-7: version information processed)

Regarding Claims 5, 16, 24, Multer discloses a method as described in Claims 4, 15, 21 wherein said account comprises an application version record table comprising an entry for each application stored in said second handheld device and wherein each entry comprises: an application identifier; a version identifier; and a user identifier. (see col. 38, lines 3-5 col. 38, lines 8-15; col. 38, lines 55-59: identifiers utilized to designate contents within table entries)

Regarding Claim 6, Multer discloses a method as described in Claim 1 wherein said step of automatically downloading said information to said second handheld device, of

Art Unit: 2143

step d), is performed only if said first handheld device has authority to download to said second handheld device. (see col. 33, lines 13-17; col. 34, lines 23-29; col. 5, lines 17-21: authentication for device based on account information, download information)

Regarding Claims 7, 18, Multer discloses a method as described in Claims 6, 17 wherein said authority is established via an express grant of permission from said second handheld device to said first handheld device. (see col. 34, lines 16-19: authorization for device based on account information)

Regarding Claims 8, 19, Multer discloses a method as described in Claims 6, 17 wherein said authority is established via a user confirmation that is made in response to a user message displayed on a display screen of said second handheld device. (see col. 12, lines 29-36; col. 32, lines 23-28: user interface)

Regarding Claims 9, 20, Multer discloses a method as described in Claims 1, 12 wherein said remote server is a web based server. (see col. 31, lines 21-23: web based (i.e. HTTP) server)

Regarding Claim 10, Multer disclose a method as described in Claim 1 wherein said step d) is performed within a synchronization process between a remote server and said second handheld device. (see col. 7, lines 58-64; col. 14, lines 18-19: synchronization process for information within server and handheld device)

Regarding Claim 11, Multer disclose a method as described in Claim 1 wherein said step d) is performed within a synchronization process between a host computer system and said second handheld device. (see col. 7, lines 58-64; col. 14, lines 18-19: synchronization process for information in server and two devices (i.e. host system and handheld device))

Regarding Claim 12, Multer discloses a system comprising:

- a) a receiver handheld device; (see col. 4, lines 25-36; col. 5, lines 17-21: receiver system (i.e. handheld device))
- b) a remote server containing an account reserved for said receiver handheld device which describes a complement of information stored in said receiver handheld device; (see col. 17, lines 15-20; col. 32, lines 14-17; col. 16, lines 50-50: server management system for user accounting information)
- c) a sender handheld device for causing said account to be modified to identify an information that resides on said remote server but not on said second handheld device; (see col. 33, lines 13-17: update information within server system)
- d) wherein said receiver handheld device is for establishing a connection with said remote server; (see col. 5, lines 10-17; col. 8, lines 16-19: handheld device communicating through connection between server and handheld device) and
- e) wherein said remote server is for automatically determining, from said account, that said information is new to said receiver handheld device and automatically

for downloading said information to said receiver handheld device. (see col. 34, lines 23-29: user information updated (i.e. new information))

Regarding Claim 13, Multer discloses a system as described in Claim 12 wherein said sender handheld is for sending said remote server a token identifying both said information and said receiver handheld and wherein said token causes said remote server to modify said account. (see col. 5, lines 17-21; col. 6, lines 16-20; col. 37, lines 62-65: data pack (i.e. token) utilized to modify user information)

Regarding Claim 17, Multer discloses a system as described in Claim 12 wherein said remote server is also for determining if said sender handheld device has authority to download to said receiver handheld device as a precursor to downloading said information to said receiver handheld device. (see col. 4, lines 25-36; col. 6, lines 16-20: authorization for device, download information to device)

Regarding Claim 21, Multer discloses a system comprising:

- a) a receiver handheld computer; (see col. 4, lines 25-36; col. 5, lines 17-21: receiver system (i.e. handheld device))
- b) a web based server containing an account reserved for said receiver handheld computer which describes a complement of information stored in said receiver handheld computer; (see col. 31, lines 21-23: web based (i.e. HTTP) server)

Art Unit: 2143

- c) a sender handheld computer for causing said account to be modified to identify an information that resides on said web based server but not on said receiver handheld computer; (see col. 17, lines 15-20: update accounting information managed within management (i.e. web based)server)
- d) wherein said receiver handheld computer is for establishing a connection with said web based server; (see col. 5, lines 10-17; col. 6, lines 16-20: handheld device communicating through connection between server and handheld device) and
- e) wherein said web based server automatically determines, from said account, that said information is new to said receiver handheld computer, also determines if said sender handheld computer has authority to download to said receiver handheld computer, and, if so, automatically downloads said information to said receiver handheld computer. (see col. 34, lines 23-29: update user information (i.e. new information))

Regarding Claim 22, Multer discloses a system as described in Claim 21 wherein said sender handheld is for sending said remote server a token identifying both said information and said receiver handheld and wherein said token causes said web based server to modify said account. (see col. 17, lines 15-20; col. 37, lines 62-65: data pack (i.e. token) used to manage user accounting information within management server (i.e. remote server))

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

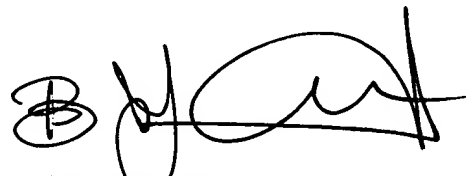
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

K H S

Kyung H Shin
Patent Examiner
Art Unit 2143

KHS
Oct. 6, 2005



BUNJOD JAROENCHONWANIT
PRIMARY EXAMINER